

U.S. Department of Justice



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 27, 2020

BY ECF

Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Open Society Justice Initiative v. Central Intelligence Agency, et al.*,
No. 19 Civ. 234 (PAE) (BCM)
Open Society Justice Initiative v. Department of Justice, et al.,
No. 19 Civ. 1329 (PAE) (BCM)

Dear Judge Engelmayer:

I write on behalf of defendant the United States Department of State ("State") in the above-captioned action to request an indefinite stay of the Court's May 30, 2019 Order requiring State to process 5,000 pages per month in light of the COVID-19 pandemic's effect on federal government operations. *See* ECF No. 50. Plaintiff Open Society Justice Initiative consents to State's request for a stay, with joint status reports due every two weeks.

Under the terms of the Court's Order, State must process at least 5,000 pages per month in response to plaintiff's FOIA request. State is able to meet its processing obligations for the month of March 2020, but will be unable to do so going forward. In light of the ongoing COVID-19 public health emergency, State's capacity to review and produce FOIA materials is seriously compromised. Because the individuals responsible for processing plaintiff's FOIA request are now almost exclusively teleworking, and because the system State uses to process plaintiff's FOIA request is housed on a classified server that is inaccessible from outside worksites, State is unable to continue processing documents in response to plaintiff's FOIA request at this time. Accordingly, State respectfully requests that upcoming processing deadlines beginning in April 2020 be stayed. In addition, State respectfully requests that the parties provide joint status reports to update the Court on their positions regarding the stay every two weeks, and propose that the first such status report be submitted on April 10, 2020.

We thank the Court for its consideration of this request.

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March 27, 2020

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Respectfully submitted,

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State*

Granted. The State Department's processing requirements will be stayed beginning in April 2020. The parties are to provide a joint update on the stay every two weeks, beginning on April 10, 2020. The Court hopes counsel and their families are safe and well during this time.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

March 30, 2020